



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

Customer Assistance

IN THE MATTER OF ALAN V. SARE,)
PETITIONER v. PUBLIC SERVICE)
ELECTRIC AND GAS CO., RESPONDENT)
)
)

ORDER OF EXTENSION

BPU Docket No. EC00100759U
OAL Docket No. PUC 1329-01

((SERVICE LIST ATTACHED))

BY THE BOARD:

On September 13, 2000, Alan V. Sare (Petitioner) filed a petition with the Board of Public Utilities (Board), alleging several illegal discontinuations of service by Public Service Electric & Gas Company, Inc. (Respondent). On December 27, 2000, the Respondent filed an answer in which it denied that the discontinuations of service were illegal.

On January 5, 2001, the Board transmitted this matter to the Office of Administrative Law (OAL) for determination and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. The matter was assigned to Administrative Law Judge (ALJ) William S. Jeremiah.

On August 26, 2002, ALJ Jeremiah filed his Initial Decision, finding that the Petitioner had reasonable notice that his bills were in arrears and that if he did not pay them, his electricity and gas would be shut off. The ALJ ordered the Petitioner to pay the entire arrears to the Respondent.

On September 23, 2002, the Petitioner filed exceptions requesting a new hearing. The Petitioner stated that the Initial Decision was filed late, that ALJ Jeremiah issued the Initial Decision after the Petitioner had filed a complaint against him, and that there were no findings of fact regarding the allegations that PSE&G violated N.J.A.C. 14:3-3.6(c) and N.J.A.C. 14:3-7.13(c). The Petitioner claimed that PSE&G had violated N.J.A.C. 14:3-3.6(c) by neither attempting to make contact with an adult on the premises nor leaving a sealed envelope regarding the disconnection of service. The Petitioner also claimed that PSE&G had violated N.J.A.C. 14:3-7.13(c) by requiring an excessive minimum down payment as a condition for restoring service.

After review, the Board remanded the matter to the OAL so that findings of fact could be made regarding the allegations that PSE&G violated N.J.A.C. 14:3-3.6(c) and N.J.A.C. 14:3-7.13(c).

The case was reassigned to ALJ Barry N. Frank and was heard on August 18, 2003. The record was closed on September 5, 2003 and an Initial Decision was issued on September 12, 2003.

In the Initial Decision, the ALJ found that PSE&G had violated both N.J.A.C. 14:3-3.6(c) and N.J.A.C. 14:3-7.13(c). He ordered PSE&G to present Petitioner a monthly payment plan requiring no more than a 25% down payment, but ordered that if Petitioner fails to enter into an arrangement, then PSE&G has the right to terminate current electric service until the prior bill is paid. The ALJ also ordered that PSE&G could not terminate Petitioner's electric service in response to an unpaid gas bill, because the two are not related, but that PSE&G may pursue whatever collection action is appropriate in another forum.

The forty-five (45) day statutory period for the review and rendering of a final decision by the Board is to expire on October 30, 2003. The Board has determined that it is necessary to extend the effective date by which it must act on the Initial Decision. The extension is necessary so that the Board has additional time to review the exceptions filed by Petitioner Alan Sare on September 22, 2003, and by Respondent PSE&G on September 30, 2003.

The Board has shown good cause why it cannot adopt, modify, or reject the Initial Decision within the statutory time period. Therefore, pursuant to N.J.S.A. 52:14B-10(c), it is ORDERED that the time for the Board to render a final decision be extended until December 14, 2003.

DATED: 10/23/03

BOARD OF PUBLIC UTILITIES
BY:

SIGNED

JEANNE M. FOX
PRESIDENT

SIGNED

FREDERICK F. BUTLER
COMMISSIONER

SIGNED

CAROL J. MURPHY
COMMISSIONER

SIGNED

CONNIE O. HUGHES
COMMISSIONER

SIGNED

JACK ALTER
COMMISSIONER

ATTEST:

SIGNED

KRISTI IZZO
SECRETARY

Alan V. Sare v. Public Service Electric and Gas Co.

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